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OT-5270

JUN 18 2008

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks. Claims 1, 3-9, and 11 were pending and were rejected in the Office Action. By way of this Amendment, claims 1 and 6 have been amended and claims 9 and 11 have been cancelled, without prejudice or disclaimer. Accordingly, claims 1 and 3-8 remain pending for further consideration.

1. Objection to the Drawings

The Examiner objected to the drawings for allegedly failing to show the fastening brackets previously recited in claim 6. Without acquiescing to the propriety of this objection, Applicants respectfully note that the objection is now moot due to the deletion of this feature from claim 6. Accordingly, a withdrawal of this objection is both warranted and earnestly solicited.

2. Objection to Claim 9

The Examiner objected to claim 9 for a grammatical error (*i.e.*, for reciting “the an”). Applicants respectfully submit that this objection is now moot due to the cancellation herein of claim 9, without prejudice or disclaimer. Accordingly, a withdrawal of this objection is both warranted and earnestly solicited.

3. Rejection of Claim 9 under 35 U.S.C. § 112, ¶ 2

The Examiner rejected claim 9 under 35 U.S.C. § 112, ¶ 2 as allegedly being indefinite (*i.e.*, for reciting “the latter”). Applicants respectfully submit that this rejection is now moot due to the cancellation herein of claim 9, without prejudice or disclaimer. Accordingly, a withdrawal of this rejection is both warranted and earnestly solicited.

4. Prior Art Rejections of Claims 1, 3-9, and 11

The Examiner rejected claims 1 and 4-8 under 35 U.S.C. § 102(b) as allegedly being anticipated by JP2000-034072 (“Asaeda”). In addition, under 35 U.S.C. § 103(a), the Examiner rejected: (a) claims 3 and 11 as allegedly being obvious when considering Asaeda in view of U.S. Patent No. 3,357,582 (“Wittek”); and (b) claim 9 as allegedly being obvious when considering Asaeda in view of Wittek and further in view of U.S. Patent Application Publication No. 2002/0100902 (“Strbuncelj”). Before addressing these rejections, it is

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respectfully noted that the rejections of claims 9 and 11 are moot due to the cancellation herein of these claims, without prejudice or disclaimer. Accordingly and for at least the following reasons, Applicants respectfully traverse the rejections of claims 1 and 3-8 based on Asaeda and Wittek.

As amended herein, claim 1 (*i.e.*, the claim from which claims 3-8 depend) recites a method for mounting a car drive machine to a structure in a hoistway. This method includes, among other possible steps (*italic and underline emphasis added*):

positioning the drive machine on a *support on a top of an elevator car*,
wherein the vertical height of the support relative to the top of
the elevator car is substantially fixed;
lifting the elevator car until the drive machine is slightly above the structure;
moving the support with the drive machine so as to position the machine immediately above a fixing position;
lowering the elevator car so as to place and fix the drive machine on the structure; and
moving the support so as to free the support from the drive machine.

As hereafter explained: (a) Asaeda standing alone fails to teach or suggest the method recited in claim 1; and (b) Asaeda and Wittek are not properly combinable to teach or suggest the method recited in claim 1.

When rejecting claim 1, the Examiner analogizes what appears to be a brace-like member 7 to the "elevator car" recited in claim 1. Clearly, this analogy is incorrect. Regardless, even assuming, *arguendo*, that the brace-like member 7 could be analogized to the elevator car in claim 1, Asaeda still fails to teach or suggest each of the limitations of claim 1. Specifically, the Examiner respectively analogizes a plate-like element 9 and a beam-like element 6 to the support and structure recited in claim 1. It is respectfully noted, however, that the plate-like element 9 (*i.e.*, "support") in Asaeda is never freed from the drive machine 5 after the drive machine 5 is installed on the beam-like element 6 (*i.e.*, "structure"). In light of the foregoing, it is clear that Asaeda fails to teach or suggest at least the above-italicized limitation of claim 1. Moreover, as hereafter explained, Wittek can not be used to cure the aforementioned deficiencies of Asaeda.

Initially, with respect to Wittek, it is respectfully noted that one of ordinary skill in the art of elevator construction would not be motivated to look to the completely non-analogous art of fork-lifts of the type disclosed in Wittek. Moreover, even assuming, *arguendo*, that one of ordinary skill in the art of elevator construction were to look to Wittek, Asaeda and Wittek still can not be properly combined under § 103(a) to achieve the method recited in claim 1.

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Specifically, the fork-lift nature of the invention disclosed in Wittek employs a lifting structure the vertical height of which necessarily changes (to enable objects to be raised and lowered by the lifting structure) relative to the vehicle that transports the lifting structure. In contrast, as above-underlined, claim 1 recites that "the vertical height of the support relative to the top of the elevator car is substantially fixed." Accordingly, even assuming, *arguendo*, that a person of ordinary skill in art of elevator construction were motivated to look to Wittek, when combining Wittek with Asaeda, the person of ordinary skill would not conceive the method recited in claim 1.

As Asaeda and Wittek are not properly combinable to achieve the method recited in claim 1, the references, standing alone or combined, can not be used to reject claim 1, or any claim dependent thereon, under 35 U.S.C. §§ 102(b), 103(a). Moreover, as claims 3-8 depend from claim 1, each of these dependent claims is also allowable over Asaeda and Wittek, without regard to the other patentable limitations recited therein. Accordingly, a withdrawal of the rejections of claims 1 and 3-8 under 35 U.S.C. §§ 102(b), 103(a) is both warranted and earnestly solicited.

CONCLUSION

In light of the foregoing, claims 1 and 3-8 in condition for allowance. If the Examiner believes that a telephone conference will be useful to move this case forward toward issue, Applicants' undersigned representative will be happy to discuss any issues regarding this application and can be contacted at the telephone number indicated below.

Respectfully submitted,

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